REMARKS

Claims 1, 5, 6, 41, and 42 are currently pending. No claims are amended. The Applicant respectfully requests reconsideration of the application.

Allowable Subject Matter

The Applicant gratefully acknowledges the indication by the Examiner that claim 42 is allowable.

Obviousness-type double patenting rejection

Claims 1, 5, 6, and 41 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 7-10, 12-19, 22-25, and 35-61 of copending U.S. Patent Application No. 10/645,566. The Applicant does not agree that the provisional double patenting rejections are correct. However, to advance prosecution, the Applicant submits a terminal disclaimer as attached.

In view of the terminal disclaimer, the Applicant respectfully requests that the obviousness-type double patenting rejections of claims 1, 5, 6, and 41 be removed.

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CONCLUSION

In view of the above remarks, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.
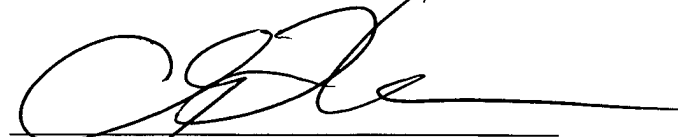
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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